



DEPARTMENT OF PERSONNEL

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MEMO PERD #29/01

November 27, 2001

TO: Department Directors
Division Administrators

FROM: Jeanne Greene, Director
Department of Personnel

SUBJECT: CHANGES TO RULES FOR PERSONNEL ADMINISTRATION

A number of changes to NAC 284, Rules for Personnel Administration, were approved by the Personnel Commission during the last public hearing in Las Vegas on August 3. These changes became effective on September 6, 2001, when they were filed with the Secretary of State.

Two of the changes, which were proposed by Governor Guinn, address dating relationships between a supervisor and subordinate and the consumption of alcohol during working hours. As these changes involve sensitive personnel issues that may arise in your agency, I would like to provide you with a brief overview of their intent.

I. Dating Relationships Between Supervisors and Subordinates (NAC 284.375, NAC 284.377)

New language was added to the State's nepotism policy that prohibits an amorous, dating or sexual relationship between a supervisor and an employee in his or her direct line of authority. (Note: A dating relationship is defined as one that could reasonably lead to a consensual amorous or sexual relationship.) This language covers new appointments as well as employees who become involved after their appointment. It is not intended to be punitive; rather, it allows employees who are involved in the relationship to work with the appointing authority to determine an appropriate solution.

The regulation specifies that a supervisor has 10 days in which to notify the appointing authority of a relationship with another employee within his direct line of authority. The appointing authority would then request a recommendation for action from both parties to ensure that one is no longer the immediate supervisor or in the direct line of authority of the other. In situations where enforcement of this policy would be impractical or cause an undue hardship to the agency, the appointing authority may request a waiver from the Personnel Commission.

As you know, both current and future supervisor/subordinate relationships put the State at risk for claims of sexual harassment by the subordinate employee as well as co-workers who may feel they are receiving unequal treatment. Therefore, these new provisions are intended to include employees in existing relationships as well as any relationships that may develop in the future. Additionally, Governor Guinn has indicated unclassified employees would be held to the same policy as classified employees in regards to supervisor/subordinate relationships.

II. Maximum Allowable Concentration of Alcohol in Blood or Breath of an Employee (NAC 284.884)

Language in this section has been amended to provide a uniform standard for all employees when determining the maximum allowable concentration of alcohol in an employee's blood or breath. As proposed by Governor Guinn and approved by the Personnel Commission, an employee must not have a concentration of alcohol greater than .01 gram per 100 milliliters of his blood or 210 liters of his breath while on duty. This standard represents Governor's Guinn's "Zero Tolerance" for the consumption of alcohol during working hours.

In clarifying the purpose of this change, research indicates that alcohol, even in small quantities, can impair judgement and reactions. In addition, our credibility is tarnished when our employees greet or meet the public, other State employees or their coworkers with an odor or appearance of alcohol consumption. Again, this standard will be applicable to all classified and unclassified employees in the Executive Branch.

It should be emphasized that additional provisions of NAC 284 dealing with the use of alcohol must be considered if you suspect an employee has exceeded the .01 maximum allowable alcohol concentration. For example, in NAC 284.888, objective facts that indicate an employee is under the influence of alcohol, which impairs the employee's ability to perform his job, would still be required before an appointing authority could request the employee submit to a screening test. If you're unfamiliar with the State's regulations and policies concerning the use of alcohol or drugs, I certainly encourage you and your supervisory staff to attend the *Alcohol and Drug Testing Program* course provided by the Department of Personnel's Training Section.

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I hope this overview is helpful in implementing these regulation changes in your agency. If you have any questions, please contact me at (775) 684-0131 or Carol Thomas at (775) 684-0105.

JG:cp

cc: The Honorable Kenny C. Guinn, Governor
Agency Personnel Liaisons
Agency Personnel Representatives